



March 6, 2025

VIA ECF

Hon. Katharine H. Parker
United States District Court
Southern District of New York
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New York, New York 10007-1312

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Re: *Sound Around, Inc. v. Friedman et al.*, Case No. 1:24-cv-01986-JHR-KHP

Dear Judge Parker:

This firm represents Defendants Moises Friedman, Shulim Eliezer Friedman, ML Imports, Inc., CYRE, Inc., LRI Group, LLC, MDF Marketing, Inc., and World Group Import, LLC (collectively, “Defendants”). We write in response to Plaintiff Sound Around, Inc. (“Plaintiff”)’s Letter Motion regarding the Subpoenas served on non-parties Webster Bank and TD Bank, N.A. (the “Subpoenas”), which was filed on March 5, 2025. (See [ECF Document No. 140](#).) Defendants served these Subpoenas to obtain information regarding transactions by Sound Around, Inc. and the Brach Family Foundation to the Defendants for the payment of sales commissions, expenses, and costs which are directly at issue in this litigation. Defendants initially requested this information directly from Plaintiff in Defendants’ First Demand for Documents, but Plaintiff failed to provide any relevant documents regarding these transactions, instead producing mostly irrelevant information in a rolling production of more than 33,000 pages as of the date of this letter.

Contrary to Plaintiff’s assertion, during the meet-and-confer held on February 28, 2025, Defendants offered to hold the Subpoenas in abeyance if Plaintiff would agree to directly produce specific documents relevant to this matter that were requested in the Subpoenas. The scope of that production was discussed during the meet-and-confer and confirmed in an email message sent immediately thereafter. Defendants requested that Plaintiff produce the responsive documents by March 5, 2025 so that Plaintiff would have an opportunity to review them and ensure they were responsive prior to the return date for the Subpoenas. However, despite our requests, Plaintiff refused to comply by March 5, 2025. Plaintiff also refused to propose an alternate date on which the production would be made. Instead, Plaintiff again rushed to this Court to raise a discovery dispute that could have been resolved by an honest effort by Plaintiff to communicate with opposing counsel.

Therefore, Defendant requests that this Court decline to hold a pre-motion conference and instead order that Webster Bank and TD Bank respond to the Subpoenas, thereby directly providing Defendants with the requested relevant documents which would be subject to this Court's Protective Order. Thank you for your consideration.

Sincerely,

/s/Nicholas Fortuna

Nicholas Fortuna

cc: All counsel (via ECF)